

### **REMARKS**

This is in response to the Office Action mailed on March 30, 2010. A Petition for a three-month extension of time is filed herewith to extend the deadline for response from June 30, 2010 to September 30, 2010.

In the Office Action, claims 1, 2, 4-9, 11, 14, and 18 were rejected. Claims 1, 2, 4-9, 11, 14, and 18 are amended herein, and new claims 20-21 are added. All amendments and new claims are fully supported by the original specification and drawings. No new matter is added. Claims 1, 2, 4-9, 11, 14, 18, 20, and 21 remain pending.

In light of the foregoing amendments and following remarks, Applicants respectfully request advancement of this application to allowance.

#### **Preliminary Matter**

Applicants note that claim 9 appears to have been inadvertently omitted from the listing of pending and rejected claims in the Office Action summary. However, claim 9 is addressed on the merits at paragraph 6 (page 7) of the Office Action. Correction of the claim status is requested in the next action.

#### **Rejection Under 35 U.S.C. § 112**

At paragraph 3 of the Action, claims 1, 2, 4-8, 11, 14, and 18 are rejected under 35 USC § 112 for having inconsistent language between the preamble and portions of the body of the claim. Applicants respectfully traverse the rejection and the sufficiency of the rejection is not conceded. However, in an effort to advance this application to allowance, claims 1, 14, and 18 are amended.

With this Amendment, the preambles of claims 1, 14, and 18 are amended to recite a panel assembly. Accordingly, the preambles and bodies of the claims are now consistent. Applicants respectfully request reconsideration and withdrawal of the rejection.

**Rejections Under 35 U.S.C. § 102**

In the Office Action at paragraph 5, claims 1, 2, 4-8, 11, 14, and 18 are rejected under 35 U.S.C. §102(b) as being anticipated by Tudor-Pole (U.S. Patent No. 3,378,973). Applicants respectfully traverse the rejection and the sufficiency of the rejection is not conceded. However, in an effort to advance this application to allowance, claims 1, 2, 4-8, 11, 14, and 18 are amended. Applicants reserve the right to pursue the subject matter of the claims prior to amendment or cancellation in one or more continuing applications. Reconsideration is requested because Tudor-Pole fails to disclose all elements of independent claims 1, 14, and 18.

The independent claims 1, 14, and 18 are now all directed to a panel assembly comprising at least two panels and a joining member. The claims further recite a panel assembly comprising at least two panels and a joining member which comprises an extension member having a length greater than a length between first and second opposed surfaces of said panels.

Tudor-Pole fails to disclose all elements of claims 1, 14, and 18 -- including an extension member having a length greater than a length between said first and second opposed surfaces. In contrast, the arms in Tudor-Pole have a length that is less than a length between opposed surfaces of the panels. More specifically, Tudor-Pole discloses a joint covering strip comprising cut out tongues 14 that are punched out of arms 15 to grip the sidewalls of the gap between adjacent panels. The arms 15 of Tudor-Pole are sized such that the tongues sit within the gap. That is, the length of the arm 15 in Tudor-Pole is less than the distance between the front surface and the rear surface of panel 4.

Accordingly, Applicants respectfully request reconsideration and allowance of claims 1, 14, and 18, as well as claims 2, 4-8, and 11 that ultimately depend from claim 1.

Applicants further note that independent claims 1, 14 and 18 recite additional features that are also not disclosed in Tudor-Pole, as addressed in prior responses. Such arguments are respectfully repeated herein to the extent that they apply to the currently pending claims. In

addition, Applicant reserves the right to raise additional arguments as may be necessary in the future.

### **Rejections Under 35 U.S.C. § 103**

In the Office Action, claim 9 is rejected under 35 U.S.C. §103(a) as being obvious over Tudor-Pole (U.S. Patent No. 3,378,973) in view of Yamamoto (JP 06185129). Applicants respectfully traverse the rejection and the sufficiency of the rejection is not conceded. Claim 9 is amended herein to properly refer to the “panel assembly” recited in claim 1.

Claim 9 is allowable for at least the same reasons as claim 1, as discussed above. In addition, Yamamoto fails to supply the deficiencies of Tudor-Pole, with respect to claim 1, as neither reference discloses or suggests the panel assembly recited in claim 1, whether the references are considered individually or in combination. Accordingly, Applicants respectfully request reconsideration and allowance of claim 9.

### **New Claims**

New claims 20 and 21 are added, which are both directed to a method of bridging a gap between at least two panels. Claim 20 recites in part “said retaining member is moveable through said gap and at least partly beyond said gap whereupon the at least one retaining member moves from said second configuration to said first configuration and engages at least a portion of the second surface of each panel and wherein further, the flange member is brought into engagement with at least a portion of the first surface of each panel.” None of the currently cited references disclose or suggest all elements of new claim 20.

Claim 21 recites in part “at least two extension members are caused to move into and through said gap and wherein at least a portion of the at least one retaining member is brought into engagement with at least a portion of the second surface of a panel and wherein further, the flange member is brought into engagement with at least a portion of the first surface of each panel”. None of the currently cited references disclose or suggest all elements of claim 21.

Accordingly, Applicants respectfully request consideration and allowance of claims 20 and 21.

**Conclusion**

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. There may be additional reasons that the pending subject matter is patentably distinct from the cited references in addition to those discussed herein. Applicants reserve the right to raise any such arguments in the future. If the Examiner believes a telephone conference would advance the prosecution of the application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD  
P. O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 336-4755

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By: 

Brian H. Batzli  
Reg. No. 32,960  
BHB/BAT:ae